

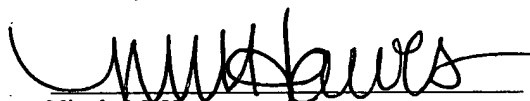
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Collins et al.  
Serial No.: 10/783,020  
Confirmation No.: 3753  
Filed: February 23, 2004  
For: BIFIDOBACTERIUM IN THE TREATMENT OF  
INFLAMMATORY DISEASE  
Examiner: Vera Afremova  
Art Unit: 1651

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 6<sup>th</sup> day of June, 2006.

  
Nicole M. Hawes

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

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Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By: Patricia Granahan  
Patricia Granahan, Reg. No. 32,227  
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Docket No.: A0870.70000US00  
Date: June 6, 2006  
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<b>FORM PTO-1449/A and B (modified PTO/SB/08)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/783,020		ATTY. DOCKET NO.: A0870.70000US00	
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				GROUP ART UNIT: 1651		EXAMINER: Vera Afremova	
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### U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	4,347,240		Mutai et al.	08-31-1982
	A2	4,435,389		Mutai et al.	03-06-1984
	A3	5,032,399		Gorbach et al.	07-16-1991
	A4	5,443,826		Borody	08-22-1995
	A5	5,711,977		Yang et al.	01-27-1998
	A6	5,834,423		Koketsu et al.	11-10-1998
	A7	5,922,375		Luchansky et al.	07-13-1999
	A8	6,025,008		Akahoshi et al.	02-15-2000
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	A12	6,645,530		Borody	11-11-2003
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	A14	2006-0002908	A1	Collins et al.	01-05-2006

### FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B1	EP	0 384 319	B1	VISKASE CORPORATION	04-28-1999	
	B2	EP	0 508 701	B1	QUEST INTERNATIONAL B.V.	07-10-1996	
	B3	EP	0 904 784	A1	N.V. NUTRICIA	03-31-1999	
	B4	EP	1 312 667	A1	WAKAMOTO PHARMACEUTICAL CO., LTD.	05-21-2003	
	B5	GB	1 503 094		NISSHIN FLOUR MILLING CO. LTD.	03-08-1978	
	B6	JP	9241173		WAKAMOTO PHARMACEUT CO.	09-16-1997	Y-Abstract
	B7	RU	2 091 075	C1	GNII GENETIKI I SELEKTSII PROM	09-27-1997	Y-Abstract
	B8	RU	2 109 054	C1	MOSKOVSKJJ	04-20-1998	Y-Abstract
	B9	WO	89/05849	A1	CHR. HANSEN'S LABORATORIUM	06-29-1989	
	B10	WO	90/01335	A1	THOMAS BORODY	02-22-1990	

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	B14	WO	98/35014	A2	FORBAIRT TRADINGS AS BIORESEARCH IRELAND	08-13-1998	
	B15	WO	99/51631	A1	KORHONEN	10-14-1999	
	B16	WO	99/62348	A1	ENTERPRISE IRELAND	12-09-1999	
	B17	WO	01/37865	A1	PROBIAL PTY LIMITED	05-31-2001	

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	Adachi, Susumu, "Lactic Acid Bacteria and the Control of Tumours," The Lactic Acid Bacteria, 1:233-261, (1992).	
	C2	Anand et al., "Antibacterial Activity Associated with Bifidobacterium bifidum - II," Cult. Dairy Prod, pages 21-23, (1985). (Attached copy is missing 1 page)	
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	C9	Bouhnik et al., "Survie et effets chez l'homme des bactéries ingérées dans less laits fermentés," LAIT, 73:241-247, (1993).	Y-Abstract
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	C39	Feency et al., "Lack of Specific Systemic Immune Response on Oral Consumption of Probiotic Lactobacilli," Int. Dairy Journal, 8(5/6):1 page, (1998).	
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	C51	Gatanaga et al., "Purification and characterization of an inhibitor (soluble tumor necrosis factor receptor) for tumor necrosis factor and lymphotoxin obtained from the serum ultrafiltrates of human cancer patients," Proc. Natl. Acad. Sci, 87:8781-8784, (1990).	
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	C53	Gilliland, Stanley, "Health and nutritional benefits from lactic acid bacteria," FEMS Microbiology Reviews, 87:175-188, (1990).	
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	C63	Jong, S.C., "Probiotics for Humans and Animals," ATCC Quarterly Newsletter, 13(1):1-4, (1993).	
	C64	Kagnoff, "Immunology of the Intestinal Tract," Gastroenterology, 105:1275-1280, (1993).	
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	C67	Kim et al., "The Properties of Bifidobacteria Isolated from Korean," Korean Journal of Dairy Science, 20(3):191-204, (1998).	Y-Abstract
	C68	Kim, Hyung, "Characterization of Lactobacilli and Bifidobacteria as applied to Dietary Adjuncts <sup>1</sup> ," Cultured Dairy Products Journal, pages 6-9, (1988).	
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